

1  
2  
3  
4  
5 UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
6 AT SEATTLE

7 UNITED STATES OF AMERICA, )

8 Plaintiff, )

9 v. )

10 RALPH ARTIAGA, III, )

11 Defendant. )

Case No. CR09-3-RSL

**PROPOSED FINDINGS OF FACT AND  
DETERMINATION AS TO ALLEGED  
VIOLATIONS OF SUPERVISED  
RELEASE**

12 INTRODUCTION

13 I conducted a hearing on alleged violations of supervised release in this case on June 29,  
14 2009. The defendant appeared pursuant to a warrant issued in this case. The United States was  
15 represented by Helen Brunner, and defendant was represented by Michael Filipovic. Also  
16 present was U.S. Probation Officer Brian Facklam. The proceedings were digitally recorded.

17 CONVICTION AND SENTENCE

18 Defendant was sentenced on October 7, 2009 by the Honorable Anna J. Brown of the  
19 District of Oregon for Bank Fraud. He received 6 months of imprisonment and 5 years of  
20 supervised release. On January 7, 2009, the Court accepted jurisdiction of the case.

21 PRESENTLY ALLEGED VIOLATIONS AND  
22 DEFENDANT'S ADMISSION OF THE VIOLATION

23 In a petition dated June 3, 2009, U.S. Probation Officer Brian Facklam alleged that

PROPOSED FINDINGS OF FACT AND  
DETERMINATION AS TO VIOLATIONS OF  
SUPERVISED RELEASE -1

defendant violated the following conditions of supervised release:

1. Failing to be truthful with the probation officer in violation of standard condition 8.
2. Failing to follow the instructions of the probation officer in violation of standard condition 8.
3. Committing another federal, state, or local crime on or about May 24, 2009, in violation of standard condition 2.
4. Failing to pay restitution as directed in the months of January, February, April, and May 2009, in violation of the special conditions of supervision and schedule of payments.
5. Failing to appear for drug testing on March 11, March 12, April 1, and May 13, 2009 in violation of standard condition 4.

Defendant admitted to violations 1 and 2. Defendant admitted to that he failed to make restitution as alleged in violation 4, and failed to appear for drug testing as alleged in violation 5 but denied his failures were willful. The parties agreed that this issue of willfulness will be reserved for Chief Judge Lasnik to decide. The government moved to dismiss violation 3 without prejudice. Defendant waived any further hearing as to whether the violations occurred, and was informed the matter would be set for a disposition hearing July 9, 2009 before District Judge Robert S. Lasnik.

#### RECOMMENDED FINDINGS AND CONCLUSIONS

Based upon the foregoing, I recommend the court find that defendant has violated the conditions of his supervised release as alleged above, and conduct a disposition hearing.

DATED this 29<sup>th</sup> day of June, 2009.



BRIAN A. TSUCHIDA  
United States Magistrate Judge